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In re Patent No. 4,682,857 :
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Application No. 06/718,866 : NOTICE
Filed: April 2, 1985 :
Attorney Docket No. 254.01 :
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**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. No. 97-1128, - 1280, -1453, 1998 U.S. App. LEXIS 21409, at *30 (Fed. Cir. Sept. 1, 1998). Therefore, your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

In view thereof, the petition to reinstate submitted July 28, 1997 is unnecessary. Therefore, the \$1490 balance of the surcharge fee (\$110 of the \$1600 submitted for the surcharge was applied to the second maintenance fee) is being credited to deposit account no. 04-0822 as authorized.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Files Repository.

Karen Creasy
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for Patent Policy and Projects